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COUNTY OF ALAMEDA, ALAMEDA  
COUNTY SHERIFF CHARLES C. PLUMMER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

16 DANIEL SCHAFER, on behalf of himself ) Case No.: C 06 0310 MMC  
and all those similarly situated; )  
17 Plaintiffs, ) **ORDER AND JUDGMENT OF**  
18 ) **DISMISSAL**  
19 vs. ) DATE: November 16, 2007  
20 COUNTY OF ALAMEDA, ALAMEDA ) TIME: 9:00 a.m.  
21 COUNTY SHERIFF CHARLES C. ) CTRM: 7  
PLUMMER, IN HIS INDIVIDUAL AND ) JUDGE: Hon. Maxine M. Chesney  
22 OFFICIAL CAPACITIES, ALAMEDA )  
COUNTY SHERIFF'S DEPUTIES DOES 1 )  
22 THROUGH 50, AND ROES 1 THROUGH )  
23 20, INCLUSIVE, )  
24 Defendants. )

25 This matter came on regularly for a Fairness Hearing on November 16, 2007, in Courtroom  
26 7 of the above-entitled Court, the Honorable Maxine M. Chesney presiding. Plaintiff Class was  
27 represented by Class Counsel Mark E. Merin of the Law Office of Mark E. Merin; Defendants  
28 were represented by Gregory J. Rockwell of the firm Boornazian, Jensen & Garthe.

1        After considering the submissions of the parties, including the Stipulated Motion for  
 2 Preliminary Approval of Provisional Settlement Class and Settlement of Class Action, together  
 3 with the extensive exhibits attached thereto; the unopposed Application of Plaintiff's Class  
 4 Counsel for Award of Attorneys' Fees and Costs; the Joint Submission of the Parties in Support of  
 5 Final Approval of the Amended Stipulation of Settlement; the arguments of counsel; the  
 6 submission from the Class Claims Administrator, and the objections to the settlement filed with  
 7 the Court,

8            IT IS NOW ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

9        1.        On June 20, 2007, this Court entered its order preliminarily approving settlement of  
 10 the above-captioned class action. Since the entry of the Court's Preliminary Order, in accordance  
 11 with the Amended Stipulation of Settlement as proved to the satisfaction of the Court, the requisite  
 12 notice of the Settlement, with opt-out and objection information, was published in the East Bay  
 13 Express on July 18, 25 and August 1, 2007, and in the Daily Review, the Oakland Tribune, and the  
 14 Tri-Valley Herald on July 19, 25, and 31, 2007. The notice of the Settlement and approved claim  
 15 forms, were posted by First Class Mail to the last-known address of each person in the Settlement  
 16 Class. Both the published notice and the mailed notice specified that Claim Forms had to be  
 17 delivered to the Claims Administrator, postmarked no later than October 11, 2007.

18        2.        Both the published and mailed notices specified that any person who chooses to  
 19 object to the Settlement, either personally or through counsel, and desired to appear at the Fairness  
 20 Hearing, was required to submit a Notice of Intention to appear, together with written arguments in  
 21 support of any objection, by October 11, 2007. Five written objections were received by counsel  
 22 and filed with the Court.

23        3.        The Court finds that the Class should be and hereby is certified under Rule 23(a)  
 24 and Rule 23(b)(3) because it satisfies all of the requirements for certification as recited by the  
 25 Court in the hearing on the fairness of the settlement on November 16, 2007.

26        4.        The Court is satisfied from all of the memoranda of law, declarations, and exhibits  
 27 submitted to the Court that the Amended Stipulation of Settlement is fair, and the Court now finds  
 28 for the reasons stated on the record at the hearing on November 16, 2007, that the Amended

1 Stipulation of Settlement is fair and finally approves it as such. The Amended Stipulation of  
2 Settlement is incorporated herein by this reference as if set out in full.

3       5. The “Settlement Class” means all of those persons who are members of the  
4 following defined classes who, during the class periods identified below, were booked at Alameda  
5 County Santa Rita or Glenn Dyer Jails, assigned to a housing unit and strip searched at said  
6 facilities prior to arraignment on the charges for which they were booked:

7           a. The following persons shall be referred to as the “Group Search Class”: (1)  
8                   All arrestees booked into Santa Rita Jail during Class Period 1 on a Felony  
9                   involving violence, drugs or weapons (“VDW”), or on a VDW Misdemeanor  
10                  Offense, who were assigned to a housing unit and who underwent a GROUP  
11                  SEARCH prior to arraignment on the charges on which they were booked during  
12                  Class Period 1 (January 17, 2004, through December 31, 2006); (2) All arrestees  
13                  booked into Santa Rita Jail during Class Period 1 on a non-VDW Offense, but who,  
14                  during the Five (5) years prior to such Class Period 1 booking, had been arrested in  
15                  ALAMEDA COUNTY on a VDW Felony or Misdemeanor Offense, or who, at the  
16                  time of such Class Period 1 booking, were required to submit to a search of their  
17                  person as a condition of parole or probation, who were assigned to a housing unit  
18                  and who underwent a GROUP SEARCH prior to arraignment on the charges on  
19                  which they were booked during Class Period 1.

20           b. The following persons shall be referred to as the “Illegal Search Class”: All  
21                  arrestees booked into Santa Rita or Glenn Dyer Jails during Class Period 2 (January  
22                  17, 2004, through August 31, 2006) on a non-VDW Felony or Misdemeanor  
23                  Offense, except those who, at the time of such Class Period 2 booking, had been  
24                  arrested in ALAMEDA COUNTY in the Five (5) years prior to such Class Period 2  
25                  booking on a VDW Felony or Misdemeanor Offense, or who, at the time of such  
26                  Class Period 2 booking, were required to submit to a search of their person as a  
27                  condition of parole or probation, who were assigned to a housing unit and who  
28                  underwent an ILLEGAL SEARCH prior to arraignment on the charges on which

1           they were booked during Class Period 2.

2         6. Persons who previously commenced civil litigation challenging the legality of any  
3 strip search at the Alameda County jails during the class period and have prevailed, settled or had  
4 their complaints denied on their merits, and persons who have given timely notice of their election  
5 to be excluded from the Settlement Class are not included in the Settlement Class.

6         7. With the exception of the five individuals identified on Exhibit A hereto, who  
7 submitted timely requests to the Claims Administrator to opt out of the Amended Stipulation of  
8 Settlement, all claims and complaints of the named Representative Plaintiff, together with all  
9 persons in the Settlement Class, are now dismissed with prejudice as to all of the Released  
10 Persons, defined to include all Defendants, their predecessors, successors, and/or assigns, together  
11 with past, present and future officials, employees, representatives, attorneys and/or agents of the  
12 County of Alameda. Claims and complaints of such persons are now forever barred, and all  
13 Settlement Class Members are enjoined from asserting against any Released Persons any and all  
14 claims which the Settlement Class Members had, have, or may have in the future arising out of the  
15 facts alleged in the complaint.

16         8. Each Released Person is released from the claims which any Settlement Class  
17 Member has had or may in the future have against any such Released Persons arising out of the  
18 facts in the complaint.

19         9. This Court explicitly finds that the Amended Stipulation of Settlement, which is  
20 now made final by this Judgment, was entered into in good faith, is fair and reasonable, and  
21 adequate, and is in the best interest of the Class. The Court expressly finds the amount of  
22 attorney's fees and costs sought to be fair and reasonable and expressly approves payment to class  
23 counsel, Mark E. Merin of the Law Office of Mark E. Merin, in the amount of One Million, One  
24 Hundred Seventy-Five Thousand Dollars (\$1,175,000.00), as and for attorney fees and costs, for  
25 the representation of Settlement Class Members herein, to be paid as provided in the Amended  
26 Stipulation of Settlement.

27         10. The Court further explicitly approves payment from the payment fund of a total of  
28 Seventy-Five Thousand Dollars (\$75,000.00) to be distributed to the Representative Plaintiff,

1 Daniel Schaffer, as specified in the Amended Stipulation of Settlement; however, if the amount  
2 allocated for the payment of approved claims of Settlement Class Members is not adequate to pay  
3 all claims without pro-rata reduction, the payment to the Representative Plaintiff shall be reduced  
4 by up to Twenty-Five Thousand Dollars (\$25,000.00) or the amount necessary fully to satisfy all  
5 claims, whichever is less. The Court finds the amount is fair and adequate in view of the damages  
6 suffered by the Representative Plaintiff and the efforts he expended in litigating this case in the  
7 more than two years from the time the original claim was filed.

8       11. Claims have been submitted and, in accordance with the claims processing  
9 procedure specified in the Amended Stipulation of Settlement, will be reviewed, valued, and paid  
10 by the Claims Administrator from funds provided by the Defendants as soon as practicable  
11 following the effective date of this Judgment, meaning the date it is entered and becomes final.  
12 Such Judgment will be deemed final only upon the expiration of the time to appeal or, if a notice  
13 of appeal is filed in this matter, upon exhaustion of all appeals and petitions for writ of certiorari.

14       12. The Court reserves continuing and exclusive jurisdiction over the parties in this  
15 action, including Defendants and all Settlement Class Members, to administer, supervise, construe  
16 and enforce the Settlement in accordance with the terms for the mutual benefit of all of the parties.

17       IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complaint in this  
18 action be dismissed with prejudice and that judgment be and the same hereby is entered pursuant  
19 to the terms of this Order.

20 Dated: November 26, 2007



21  
22 HON. MAXINE M. CHESNEY  
23 Judge, United States District Court  
Northern District of California  
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